

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

Great American Assurance Company,)
)
Plaintiff,) CIVIL ACTION FILE NO:
vs.) 1:18-cv-04974-TWT
)
Braddy Preparatory Academy, Inc.,)
)
Defendant.)
)
vs.)
)
Powers-Leavitt Insurance)
Agency Inc.,)
)
Third-Party Defendant.)

CONFIDENTIALITY ORDER ON RECORDS

The Parties having indicated by signature herein below that they consent to and agree that a Confidentiality Order should be entered for the purpose of protecting confidential information of Plaintiff, Defendant, and Third-Party Defendant in the possession of the parties, certain nonparties and released to counsel for the parties during discovery.

1.

The parties agree that this Confidentiality Order shall specifically apply to the following information:

a. Any and all of Great American Assurance Company's (Great American) underwriting guidelines of property insurance (Bate Stamp DP 6754 – 6790 of Great American's Document Production), responsive to Defendant's First Request for Production of Documents.

2.

No document, or other tangible thing or information described in Paragraph 1 may be disclosed to any person, except for the following:

Defendant and Third-Party Defendant and their employees involved with the defense of this lawsuit, counsel of record and members of their law firms, expert witnesses retained in this matter, and any participants in any proceedings before the Court.

3.

Great American's underwriting guidelines of property insurance produced to Defendant and Third-Party Defendant, pursuant to Paragraph 1 above, shall be used only in the course of the above-captioned proceedings and shall not be used or provided for use in any other litigation or proceedings and specifically shall not be

disclosed to other parties in other litigation against Plaintiff, Defendant, and/or Third-Party Defendant, their parent companies, and subsidiaries. Any person receiving the underwriting guidelines shall execute an acknowledgement attached hereto as Exhibit A, acknowledging their understanding and agreement to be bound by the terms of this Confidentiality Order.

4.

Great American's underwriting guidelines of property insurance produced to Defendant and Third-Party Defendant, pursuant to Paragraph 1 above, shall not be published orally, by copy, or by any other means to any person other than those persons enumerated in Paragraph 2 of this Order.

5.

Upon conclusion of this action, counsel for Defendant and Third-Party Defendant shall return to counsel for Great American, or, in the alternative, destroy, the original and all copies made of such documents and materials described in Paragraph 1 above.

6.

After the final termination of this action, the restrictions on communication and disclosure provided for herein shall continue to be binding upon the parties and all other persons to whom the underwriting guidelines designated as "confidential"

or information contained therein have been communicated or disclosed pursuant to the provisions of this Order or any other Order of the Court.

7.

In the event a party, non-party or their attorney is required to appear in any subsequent legal proceeding which may concern the underwriting guidelines designated as “confidential” or information contained therein, said party, non-party or their attorney will notify the parties’ designated agent after receipt of such process (including summons, subpoena or court order). The parties may thereafter take such action as they deem necessary to prevent the disclosure of the documents. The person required to testify may respond to any questions regarding the documents unless they are directed by a Court to refrain from testifying.

8.

The parties’ attorneys of record shall be designated as agents to receive the notifications contemplated under this Order.

Great American’s designated agent is its attorney of record, H. Michael Bagley.

Braddy Preparatory Academy, Inc.’s designated agents are its attorneys of record, David Forestner and Mark Battleson.

Powers-Leavitt Insurance Agency, Inc.'s designated agents are its attorneys of record, William T. Mitchell and Matt Dowling.

The parties agree that each party may change said designated agent(s) from time to time upon reasonable written notice to named counsel of record in this case.

9.

If Great American wishes to file with the Court the underwriting guidelines designated as "confidential" by this order, and wishes to have the underwriting guidelines filed under seal, Great American shall follow the procedures set forth in Section II(J) of Appendix H of the Local Rules for the Northern District of Georgia. In the event that the Court denies Great American's motion to seal the materials, Great American shall have the option of filing the materials without seal or withdrawing the materials.

10.

If Defendant or Third-Party Defendant intends to file with the Court the underwriting guidelines designated as "confidential" by this order, that party shall, not less than five (5) days prior to filing such material, contact Great American, and:

- (a) identify the specific material to be filed; and

(b) request whether Great American wishes to seek to have such material filed under seal.

If Great American does not provide written notice that it wishes to have the materials filed under seal, the filing party may proceed to file the materials without seal. If Great American does wish to have the materials filed under seal, Great American shall provide written notice to the filing party and the filing party shall follow the procedures set forth in Section II(J) of Appendix H of the Local Rules for the Northern District of Georgia. In the event that the Court denies the filing party's motion to seal the materials, the filing party may proceed to file the materials without seal.

SO ORDERED this 21st day of June, 2019.

/s/ Thomas W. Thrash
THOMAS W. THRASH, JR., JUDGE
U.S. DISTRICT COURT NORTHERN
DISTRICT OF GA ATLANTA
DIVISION

CONSENTED TO BY:

TAYLOR ENGLISH DUMA LLP

/s/ David Forestner

David Forestner
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1600 Parkwood Circle, Suite 200
Atlanta, GA 30339

BATTLESON LAW, LLC

/s/ Mark Battleson

Mark Battleson
Georgia Bar No.: 042715
3280 Peachtree Road NE
Terminus 100, 7th Floor
Atlanta, Georgia 30305

Counsel for Braddy Prep

DREW, ECKL & FARNHAM, LLP

/s/ H. Michael Bagley

H. Michael Bagley
Georgia Bar No.: 031425
880 West Peachtree Street
Atlanta, Georgia 30309

Counsel for Great American

CRUSER, MITCHELL, NOVITZ, SANCHEZ,
GASTON & ZIMET, LLP

/s/ William T. Mitchell

William T. Mitchell
Georgia Bar No. 513810

/s/ Matthew I. Dowling
Matthew I. Dowling
Georgia Bar No. 110609

Meridian II, Suite 2000
275 Scientific Drive
Norcross, GA 30092

Counsel for Powers-Leavitt Insurance Agency, Inc.

CERTIFICATE OF FONT COMPLIANCE

Counsel for Defendant hereby certifies that the forgoing has been prepared with one of the font and point selections approved by the Court: Times New Roman 14 Point.

Exhibit "A" to Confidentiality Order on Records

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Third-Party Defendant.)

**AGREEMENT CONCERNING INFORMATION COVERED BY
CONFIDENTIALITY ORDER ON RECORDS**

I have been designated as a person who may have access to or receive certain Confidential Information as that term is designated in the **CONFIDENTIALITY ORDER ON RECORDS** entered in the above-styled action.

Having read the **CONFIDENTIALITY ORDER ON RECORDS**, I agree to comply fully with it and to be bound by its terms with respect to all Confidential Information as designated therein. I agree not to copy or disclose any Confidential Information that has been disclosed to me to any person or entity not authorized under the **CONFIDENTIALITY ORDER ON RECORDS** to receive, review, use or possess Confidential Information.

Executed this ____ day of _____, 201__.

Signature

Print Name

Exhibit "A" to Confidentiality Order on Records

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Executed this ____ day of _____, 201__.

Signature

Print Name